



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: FOO - 176047

PRELIMINARY RECITALS

Pursuant to a petition filed on August 6, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Shawano County Department of Social Services regarding FoodShare benefits (FS), a hearing was held on August 31, 2016, by telephone.

The issue for determination is whether the agency erred in its termination of FS effective 8/31/16.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED] |
[REDACTED] |
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Shawano County Department of Social Services
607 E. Elizabeth Street
Shawano, WI 54166-3105

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Shawano County.
2. Petitioner was an ongoing FS recipient.
3. On 7/11/2016, petitioner called the agency to report employment at [REDACTED].
4. The agency issued a request for verification of the employment and income on 7/12/16. The verification was due back to the agency on 7/21/16.
5. The verification was received in the form of pay stubs and a employer verification of earnings form. These were processed by the agency on 7/22/16. The agency budgeted \$1,120 in earned income per month and \$603 in SS retirement benefits per month.
6. The agency calculated the new allotment for the household at \$16 and notified petitioner by notice dated 7/25/16. On 7/29/16 petitioner informed the agency that he no longer wished to receive FS benefits.
7. The agency terminated FS at petitioner's request as of 8/31/16.

DISCUSSION

In this case, petitioner was eligible for a FS allotment of \$16 following the newly reported income at [REDACTED]. Petitioner even concedes that he understands that his new income changed his eligibility. Petitioner does not assert that the reduction in FS incorrect or that the agency's calculations are incorrect. Petitioner referred to his expenses and his ill child in Mexico and his vague need for more help.

Petitioner notified the agency that he no longer wished to receive this FS allotment and requested his case be closed. The agency did so at his request. If petitioner would like to receive FS again, he will need to re-apply for the program. At that time, the agency will determine the allotment.

CONCLUSIONS OF LAW

The agency did not err in its termination of FS effective 8/31/16 after petitioner asked that his FS case be closed.

THEREFORE, it is

ORDERED

That this matter is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 4th day of October, 2016

\s _____
John P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on October 4, 2016.

Shawano County Department of Social Services
Division of Health Care Access and Accountability